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REMARKS

In the Office Action mailed December 3, 2001 the Examiner noted that claims 1-28 were pending, and rejected all claims. Claims 1, 11, 14, 19, and 25-28 have been amended, thus, in view of the forgoing claims 1-28 remain pending for reconsideration which is requested. No new matter has been added. The Examiner's rejections are traversed below.

On page 2 of the Office Action the Examiner rejected all claims under 35 U.S.C. § 102 as anticipated by Griffin.

The present invention solves one or more problems that Griffin does not recognize or even contemplate much less solve and, in a certain sense, Griffin teaches away from the present invention.

Griffin is directed to a system that is designed to identify and collect events that are user initiated or created events. Examples of such user initiated or created events, repeated at a number of places within the discussion by Griffin, include a user downloading a file, accessing a database, entering and exiting a gateway, etc. In particular Griffin notes "each defined event is indicative of customer access to the network" (col. 2, lines 35-43) and "wherein events are generated which are indicative of an action in the network" (col. 2, lines 44-53) and particularly claims "each defined billing event is indicative of a customer computer access to the on-line network" (all independent claims). This focus by Griffin solely on user generated events is supported by the data structure used to store events where the "Unique Id of the User that was connected." (col. 7, table 1) is required to identify the user initiating the event. That is, Griffin event records identify a user that is performing an action via a connection.

In contrast, the present invention is directed to "system initiated and created" events that can be priced or otherwise used (see independent claims 1, 11, 19, and 25 - 28). System created or initiated events are of a different character and address a different problem than user created or initiated events, such as addressed by Griffin. For example, a recurring charge such as a yearly subscription fee is an event that must be initiated and created by the system at the appropriate time of the year. A recurring charge has nothing to do with any user action or network action but requires that the system monitor a real time clock to initiate the event at the appropriate time. User created events, such as addressed by Griffin, do not require such system time clock monitoring. A recurring charge can occur even though no action is ever

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performed by the user or a network. For example, some people have what are called emergency cell telephones that are used by the owner for contacting the authorities upon an emergency. These types of telephones have recurring charges associated with having the emergency calling capability. It is possible that the owner may go for a considerable period of time, months if not years, without ever having an emergency and therefore never performing an action within the cell network. Never the less, the owner needs to be charged the recurring charge. The present invention solves this problem, Griffin does not.

It is submitted that the present claimed invention of independent claims 1, 11, 19, and 25-28 patentably distinguish over Griffin and withdrawal of the rejection is requested.

The billing system of Griffin discusses generating billing events (see 214 of Fig. 5 and col. 13, line 60+). A billing event is generated whenever the customer takes an action (see col. 13, lines 3-11) and the billing event objects are gathered by the event collector and saved as an event object file. The event object file is then converted to an export format that can be used by additional application servers, including a billing server, (see col. 13 lines 14-30 and Figs. 2 and 3) which applies pricing rules. That is, the pricing is tied directly to the billing process and the optimization of pricing relative to customer billing periods is not discussed. In fact, Griffin does not discuss the limitations of user billing periods in any way and thus Griffin does not even recognize that this is a problem much less solve this problem.

The present invention (see independent claim 14) solves this problem by performing the pricing process continuously, independent of and outside the billing process (see specification pgs. 6-7). The present invention utilizes a schedule defined by the customer's subscription which allows for events to be priced at an optimal time relative to the billing period (for example, see spec pages 11-12 and Figs. 3 and 4). Thus, the present invention prices all available charge events for a current billing period at a first opportunity after a prior billing period ends. It is submitted that the present claimed invention of independent claim 14 patentably distinguishes over Griffin and withdrawal of the rejection is requested.

The dependent claims depend from the above-discussed independent claims and are patentable over the prior art for the reasons discussed above. The dependent claims also recite additional features not taught or suggested by the prior art. For example, claim 3 calls for events independent of a billing process and claim 5 calls for summary events that, among other features of the invention, are not mentioned much less contemplated by Griffin. It is submitted that the dependent claims are independently patentable over the prior art.

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It is submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.


Respectfully submitted,

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4/3/2

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VERSION WITH MARKINGS TO SHOW CHANGES MADE**IN THE CLAIMS:**

Please AMEND the following claims:

1. (Once Amended) A system, comprising:
a continuously running event creation process determining whether a [system-created] system initiated and created event is due to be created; and
a continuously running pricing process pricing the system-created events and non-system-created events as they become available to the system.
4. (Once Amended) A system as recited in claim 3, wherein [system-created] system initiated and created events for a customer may be created in one of less frequently than the customer is billed, as frequently as the customer is billed and more frequently than the customer is billed.
11. (Once Amended) A process, comprising:
determining whether [an] a system initiated and created event is priceable; and
pricing the event responsive to the determining.
14. (Once Amended) A process [as recited in claim 11], comprising:
determining whether an event is priceable; and
pricing the event responsive to the determining, wherein all available charge events for a current billing period are priced at a first opportunity after a prior billing period ends.
19. (Once Amended) A process, comprising:
determining whether a [system-created] system initiated and created event is due to be created; and
creating the event responsive to the determining.
20. (Once Amended) A process as recited in claim 19, wherein [system-created] system initiated and created events are created independent of other processes.

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21. (Once Amended) A process as recited in claim 19, wherein [system-created] system initiated and created events are created according to a schedule in the system.

25. (Once Amended) A system, comprising:
a continuously running event creation process determining whether a [system-created] system initiated and created event has become current; and
a continuously running pricing process pricing the system-created events and non-system-created events as they become available to the system, and creating and maintaining summary events in real-time as events are priced.

26. (Once Amended) A system, comprising:
a continuously running event creation process determining whether a [system-created] system initiated and created event is due to be created and creating system-created events at any time based on a flexible schedule; and
a continuously running pricing process, independent of a billing process, pricing of the system-created and non-system-created events as ready for the billing process and for display as they become available to the system with all events priced as they become available to the system and creating summary events as events are being priced and performing real-time recalculation of a charge for any unbilled event when information in the system which impacts charge has changed.

27. (Once Amended) An apparatus, comprising:
a source of system initiated and created events; and
a processor pricing the events when the events are priceable.

28. (Once Amended) A computer readable storage medium including a process controlling a computer and having a continuously running event creation process determining whether a [system-created] system initiated and created event is due to be created and a continuously running pricing process pricing the system-created events and non-system-created events as they become available to the system.